



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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NOV 10 2010

Mr. Jon Capacasa, Director
Water Protection Program
United States Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Dear Mr. Capacasa:

The Department is responding to EPA's request for the Department's interpretation and response to the December 7, 2009 petition by the University of Maryland Environmental Law Clinic (on behalf of the Waterkeepers Chesapeake of Maryland) to withdraw authorization of Maryland's NPDES program. The Department appreciates the opportunity to provide information for EPA's consideration. The Department also appreciates the intent of the Petition to strengthen the Department's capacity to accelerate progress towards clean water.

We understand that one of the primary drivers behind this petition was concern about adequate financial and personnel resources at the Maryland Department of the Environment. For this reason, we begin with a general overview of the status of addressing our internal structural deficit. More detailed responses to the Petition then follow.

Resources

The Department shares the concern of petitioners and has acknowledged that funding and personnel numbers have not, in general, kept pace with new federal and state regulatory mandates. The petition for EPA to take back delegation of the NPDES program comes at a time when, as you know, State governments are experiencing unprecedented fiscal challenges. Despite this, the Department is confident that the strength of Maryland's program would be evident under any level of external review and scrutiny.

Using a comprehensive fiscal analysis that the Department completed in 2007 as a road map, we have moved forward to restructure and change operations in a number of ways to alleviate the internal structural deficit. In some cases special funds have been combined, statutory caps raised or lifted, or uses broadened to allow for more flexibility to allocate funds to the highest priority. Functions within the Department have been prioritized according to the greatest impact to public health and the environment. Personnel in lower priority functions have been reassigned to higher priorities and in some cases low priority programs have been eliminated all together.



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MDE has implemented MDEStat, a management process that reviews Department operations on a real time basis. – MDEStat is a system-wide proactive data assessment and accountability process that has improved the Department's effectiveness and efficiency through intensive, systematic, data-driven oversight, ensuring that MDE is making the best possible use of its resources. MDEStat is guided by regular meetings of the MDEStat Panel composed of MDE's Secretary, Deputy Secretary, Budget Director, Administrative Services Director, IT Director, Principal Counsel, and the MDEStat Director. This process has eliminated permit backlogs and other improvements throughout over 40 programs Department wide.

The Department is investing considerable resources in a comprehensive overhaul of its data management system. This project, which is being implemented Department wide, will replace antiquated, legacy permit and compliance tracking systems with an integrated, modernized, enterprise system – known as TEMPO – that will allow us to track and monitor permit expirations, compliance performance, and enforcement activity. Although this modernization effort has been expensive to implement and has placed significant demands on staff, the Department has made TEMPO a budgetary priority because we expect this investment to yield long-term benefits to all of our regulatory programs. This effort is expected to be completed by the end of this fiscal year.

Over the past three years, the NPDES Program was able to successfully implement an entirely new permitting program for poultry animal feeding operations with no additional resources. While that program is now in place, and as part of an efficiency consolidation has been moved from the Water Management Administration to the Land Management Administration's sewage sludge program, its development did impact the workload of the NPDES Program.

EPA Delegation Agreement

With respect to the concerns and allegations raised in the petition, the issues identified do not fully portray the strength of the Program in place to ensure the Clean Water Act is appropriately administered in Maryland. The Petition alleges that generally MDE has failed to abide by the terms and conditions of the 1989 delegation agreement between EPA and MDE. The terms of Maryland's NPDES delegation agreement with EPA have been fully complied with. The recently completed State Review Framework, which represents your agency's assessment of Maryland's regulatory programs, did not identify significant issues or concerns with MDE's permitting and compliance programs. As you are aware, Maryland has provided responses to all of the State Review Framework recommendations.

More detailed information related to specific issues follows.

Acid Mine Drainage Treatment Systems

The Petition correctly states that MDE does not issue NPDES permits for equipment that the agency operates in abandoned mines. The Petition outlines a position that this equipment is a point source and allows toxic discharges and illustrates this using the acid mine drainage treatment at the McDonald Mine as an example. While it is true that abandoned mines can be a source of toxic water that flows into state waters, it is important to note that these are situations in which the State is voluntarily implementing remediation technologies to reduce acid mine drainage.



There are currently 10 lime dosers and 28 passive systems such as water-powered dosers, wetlands, anoxic limestone drains and limestone leach beds. The cost to operate and maintain these 38 systems is currently about \$550,000 annually. Their continued operation improves water quality in over 82 miles of the 450 miles of Maryland streams reported as impaired by acid mine drainage. As you are aware, there is no federal consistency on whether these treatment systems require a NPDES permit or funding for the cleanup of abandoned mines. Should EPA determine that nationally, these discharges are appropriately regulated as point sources, MDE will, of course, comply. However, we have significant concerns that a new requirement for NPDES permitting for acid mine remediation will place significant demands on already limited resources available to address abandoned mines that will decrease the number of sites where acid mine drainage is treated.

Incorporation of TMDLs into Permits

The Petition outlines a concern that MDE's permitting does not meet EPA requirements to consider impaired water bodies and TMDLs before issuing permits, does not include review of Stormwater Pollution Prevention Plans ("SWPPPs"), and that the Concentrated Animal Feeding Operations ("CAFOs") permit includes illegal provisions and a variance for an industrial discharger contravenes federal permitting requirements. These issues are addressed below.

MDE does account for the impaired status of water bodies and TMDLs in issuing each Permit and there is ample evidence that Maryland's NPDES permits are written to achieve our State's water quality standards. NPDES point source discharge draft permits to impaired watersheds are reviewed by the Department for conformance with TMDLs to ensure the compliance with waste load allocation targets are met. As EPA is aware, . Maryland's current standard NPDES permit and factsheet templates indicate if the receiving waters are impaired and identify if there are specific TMDLs applicable to the discharge. The Maryland General Permit for Stormwater Associated with Construction Activity was renewed and now includes specific review provisions for certain large development projects over a certain size that discharge to impaired waters. We would also note that new TMDL provisions were incorporated into the Montgomery County that specify that a TMDL implementation plan must be developed for all EPA approved TMDL's within the jurisdiction.

As an example, the Petition refers to the permit issued to Maryland Airport (State Permit # 09IP0346, NPDES Permit #MD09I0346) and says MDE did not conduct the required analysis of receiving water impairments and water quality standards and mandate specific measures to ensure compliance with water quality standards, including any water quality based effluent limits necessary to maintain water quality standards. MDE did review the 303(d) list and the TMDL prior to the issuance of this permit. There is a TMDL for nitrogen and phosphorus in Mattawoman Creek which was approved by EPA in 2005. The TMDL, though, does not establish a Waste Load Allocation (WLA) or other requirements for construction sites and there is no specific language to be included in the individual permit to address this particular TMDL. For this Permit, MDE relies on the language of Section V of the permit requiring the permittee to comply with other applicable TMDL requirements or WLAs that might be developed after the permit is issued. Part IV.A of this permit specifically requires the permittee to meet water quality standards.



Other aspects of the permit (including requirements to obtain and comply with an approved Erosion and Sediment Control Plan, and to review site controls and potentially install additional controls in the event of a significant discharge of sediment) provide additional procedures to ensure the permit meets water quality standards.

With respect to Stormwater Pollution Prevention Plans (SWPPP's), Maryland has consistently adhered to EPA's national approach, which makes it clear that review of SWPPPs is not required before issuing permits. MDE is also not obligated under its delegation to review all SWPPPs prior to permit issuance. Maryland does, though, review SWPPs during site visits if site conditions warrant additional controls of pollutants in stormwater.

MDE's federally approved CAFO permit does not contain illegal provisions. The Petition claims that the permit fails to consider the applicable impairments and TMDLs in potential receiving waters and fails to ensure compliance with water quality standards. The permit includes numerous provisions designed to prevent discharge of nitrogen, phosphorous and sediment.

With regard to the Genovique permit for an industrial discharge, the Petition highlights the fact that the FDF variance petition was submitted in 1988 and EPA did not act on the request, yet MDE applied the variance in issuing the permit in 2002. MDE has consistently deferred to EPA on this matter, and EPA has consistently agreed with the terms of the permit and approved it. For example, on September 14, 1993 EPA provided written approval for MDE to issue its first renewal of the permit during the period of the pending FDF variance petition using alternative limits until an EPA decision on the variance occurs. That permit was issued January 1995. The next renewal permit was submitted to EPA for comment with the following response from EPA in its September 21, 2001 letter: "Please add a reopener clause which would specify that the permit would be reopened should EPA decide against continuing the existing variance for BOD and TSS." The resulting renewal occurred in February 2002. MDE is in the process of issuance of the next permit renewal after publishing a tentative permit decision in June 2010 which was also based upon an EPA review and concurrence of the terms of the draft permit.

Administrative Extensions of Permits

With respect to the timeliness of permit renewals, MDE agrees that timely reissuance of NPDES permits has a beneficial impact to the environment and is imperative. The Department's goal is to meet or exceed the EPA established performance guidelines.

This issue is under monthly review by MDEStat. The Department has taken several actions to improve performance in this area. For example, work is underway to clarify and standardize certain permit requirements to streamline the permitting process and facilitate public participation. Improving our use of standardized permit conditions is part of a broader project to streamline permit development and issuance, a project we will implement during this federal fiscal year.



Facilities Operating on Administratively-Extended WMA Permits

Permit Type	Goals	Percentage of Permits That Are Extended					
		3/8/10	5/19/10	6/21/10	8/9/10	9/13/10	10/1/10
Surface Discharge Permit Major Facilities	10% by 9/30/10 0% by 9/30/11	28% (24/85)	26% (22/85)	22% (19/85)	22% (19/85)	19% (16/85)	6% (5/85)

The Petition references EPA's performance target of 90% for reissuance, suggesting

that compliance with this goal is a requirement for delegation. MDE is required by law to extend permits administratively when a renewal application is received two weeks prior to permit expiration. At the time the Petition was received last year, MDE reported 28 major facilities operating on administratively extended permits. Since that time, MDE has decreased the permit backlog and plans to meet and exceed the EPA target for major permits as demonstrated in the above table.

The Petition notes several examples of administratively extended NPDES permits and claims these facilities are operating under outdated regulatory requirements. MDE is not in violation of 40 C.F.R. 123.63. 40 CFR provides for administrative extensions of permits upon timely renewal application submittal. MDE is fulfilling its MOA obligations but desires to improve its performance in this area. In addition to the reduction in the number of administratively extended permits for major facilities, the Department has established performance targets for minor facilities, facilities with ENR schedules, groundwater discharge permits, and provided EPA with renewal schedule for expired MS4 Phase I and general stormwater permits. These actions will ensure that discharge permits for Maryland's facilities are consistent with the State's water quality standards.

Enforcement

The Petition highlights the Department's low inspection coverage ratio as an indication of poor performance. The petition says that MDE has reduced the number of inspections over the past few years, and cites data from the Department's annual Compliance and Enforcement Reports. The Petition states, for example, that in 2007 MDE inspected 89% of facilities with NPDES discharge permits. However, in 2008 MDE only inspected 20% of these facilities. MDE also reported that for all facilities regulated by the Water Management Administration, 47,083 in 2007 and 51,891 in 2008, MDE only inspected 24% in 2007 and 18% in 2008. Petitioners conclude that there was a 33% reduction in one year from an already low inspection rate.

As discussed in MDE's 2008 Annual Enforcement and Compliance Report (p. 101), the reported inspection coverage rate for surface water dischargers was significantly lower than 2007 because MDE no longer counted DMR audits as inspections, only physical inspections of the facility. As part of an internal goal to improve transparency, changes were made in reporting methodologies including this change to more accurately reflect the activity.



The number of sites inspected was actually similar in 2007 and 2008 (see table below). In addition, the total number of entities regulated by WMA included many non-NPDES permittees. During this same period, MDE experienced a predicted but temporary reduction in total number of inspections due to deployment of new in-the-field technology for inspections. We expected a decrease in the number of inspections due to the need for training personnel on new equipment and an anticipated increase in the length of time for each inspection. It should be noted that while the length of time for each inspection increased, the quality and extent of data collected is significantly improved. This technology is now improved and the following table depicting NPDES enforcement actions shows that the number of inspections and enforcement actions is rebounding.

NPDES Surface Discharge Compliance and Enforcement Activity

	FY 07	FY 08	FY 09	FY 10
Sites Inspected	1201*	1544	1385	1618
Inspections and Spot Checks	2823	3120	2142	2373
Enforcement Actions	134	89	49	109

* Not reported separately in MDE's 2007 Annual Enforcement and Compliance Report, but available in MDE's records.

MDE follows the annual 106 work plan and compliance monitoring strategy negotiated with EPA each year based on the number on individual permits issued. While MDE, under the grant commitment to EPA, is not obliged to inspect any subset of minors at a specified frequency unless they are wastewater treatment plants in "significant non-compliance," our inspectors follow an inspection priority scheme that does allow routine inspections of minors as time allows. EPA accepted this compliance monitoring strategy for the year reviewed. It should also be noted that EPA performed the 2007 State Review Framework audit and did not find serious issues with MDE's regulatory oversight of the NPDES enforcement/compliance program implementation at that time.

MDE recognizes that the inspection coverage ratio for some categories of lower priority permits is low. MDE reported this to the Legislature in 2007 and subsequent years and documented the coverage rate as part of the 2007 Fiscal Analysis and subsequent updates. Of course, we would welcome additional resources that would allow higher coverage rates. Coverage rates, and opportunities to target inspections given resource limitations, are regularly discussed at MDEStat. While the 10% coverage rate is low, as you know, it is only one indicator of the strength of an enforcement program. When establishing inspection priorities, we generally target those facilities where the discharges have the greatest actual or potential impact to public health and the environment, as well as those with prior enforcement issues.

The Petition includes information cited in a New York Times article, which investigated EPA compliance and inspection records in several states. The article described apparent enforcement lapses and claimed that of the 832 facilities with data on inspections, 335 or 40% had not been inspected since 2005 and 287 of those facilities have at least one self reported violation.

MDE found numerous errors in the NY Times analysis, many of which were related to how compliance data was being captured in EPA systems. For instance, in an example also noted by the petitioners, the NY Times article claimed that the Elkton Striped Bass Hatchery, has not been inspected since September 1992 - more than 17 years ago., MDE records indicate that the facility was inspected three times in CY2000, one time in 2001,



once in 2002 and once in 2005. The facility was inspected for NPDES on July 8, 2008 and for sediment on February 10, 2009 as part of a complaint about erosion and sediment control violations against a construction project at nearby Baker Hill subdivision. The July 8, 2008 inspection noted the Hatchery facility as non-compliant for failure to submit timely DMR's for two periods in 2007. The missing DMRs were submitted and the facility was advised that failure to submit timely reports as required by the permit could trigger an enforcement action.

Similarly, the NY Times report indicated that the Horn Point Laboratory in Cambridge, Maryland had over 80 self-reported violations between 2004 and May 2009 and stated that MDE has not inspected it since August 1995. Upon review, MDE found that the non-reporting violations cited in the article for this facility were probably due to a data reporting issue with EPA's ICIS system, which indicated non-reporting violations on monthly DMR submissions when, in fact, the permit required quarterly submissions. The site was inspected on December 10, 2009 at which time minor violations were noted related to monitoring of outfalls that have not been used, miscalculated averages on DMRs, and a failure to implement a Spill Prevention Control and Countermeasure Plan. MDE verified that the outfalls will be monitored if ever used, reviewed the SPCCP that is in place and received corrected DMRs

In separate discussions with the Petitioner, the Department has discussed the problems with access to correct data generally. The Department recently discussed data access with the Petitioner and we intend to work with Petitioner to ensure greater access to information in Maryland.

The Petitioner claims that MDE has taken an inadequate number of enforcement actions based on the Department's Annual 2008 Compliance and Enforcement Report. The New York Times analysis suggested that the Department took formal enforcement action against only a small percentage of the facilities with multiple permit violations.

An initial review of the 212 facilities that the NY Times article reported as having 30 or more NPDES permit violations found that 118 are active facilities covered under individual permits and 89 are swimming pools, mineral mines, oil operations terminals, seafood facilities and marinas covered under a general permit. MDE has taken enforcement actions against facilities covered under the general permit. However, as noted, a lack of resources prevents the Department from providing the same level of oversight for the general permit population as it does for the individual minor and major permit categories. Typically, inspections and enforcement actions at general permit facilities result from complaints regarding the operations of these facilities. MDE's priority ranking of inspections at these facilities is in accordance with the 106 grant commitments. In 2010, MDE provided EPA with its QA/QC plan that is being implemented to provide a more thorough and efficient in-house review of the compliance status of the more than 2,201 facilities covered under the NPDES general permit.

MDE issued enforcement actions including administrative and civil orders and penalty actions to 44 of the 118 individual permitted facilities referenced above and referred 31 significant noncompliance cases to the Office of the Attorney General or EPA in accordance with MDE and the WMA Compliance Program enforcement procedures.

Although the review of the remaining minor NPDES individual facilities did identify some sites in violation due to failure to timely submit DMRs or report specific parameters, there are many instances where the data recorded in ICIS does not match the data in the ECHO database or the violations do not rise to the level of SNC under EPA's guidance.



MDE keys its enforcement responses for NPDES cases to EPA's SNC guidance. As an example, the NY Times article noted that according to ECHO data the National Aquarium was noncompliant 85 times between 2006 and in 2008 all related to reporting/monitoring. In accordance with State Discharge Permit 00-DP-2002, this facility is required to monitor four outfalls for flow, fecal coliform and pH. DMRs were submitted for the facility for the calendar year 2006, but indicated "no discharge" for the first, second and third quarters. The fourth quarter DMR indicated no discharge from three of the four outfalls and wastewater discharged from Outfall 001 was in compliance with the permit effluent limits. DMRs submitted for the calendar years 2007 and 2008 also indicated no discharge with the exception of the fourth quarters from Outfall 001 and the data indicated the discharges were compliant. MDE conducted an inspection of the facility on April 3, 2007 and noted that there were only two minor reporting discrepancies during the inspection that were related to the incorrect federal identification number noted on the DMRs and the use of the incorrect sample type reported for the flow measurement. A review of the data in EPA's Integrated Compliance Monitoring System (ICIS) indicates the data has been entered correctly as noted on the DMR.

According to the ECHO data, the Consolidated Coal Sales facility was noncompliant 66 times between 2006 and 2008. While the facility reported intermittent effluent violations, MDE determined that the violations did not rise to the level of significant non-compliance and determined that no enforcement action was warranted. ICIS also incorrectly indicated non-reporting violations when the facility actually reported "no discharge" on the DMRs. MDE has advised EPA prior to this review that the data in the ECHO system frequently does not mimic what has been entered into ICIS. MDE's response to the NY Times article stated in part:

EPA's Office of the Inspector General visited MDE and conducted an audit of the ECHO data in comparison to DMR data for 50 NPDES facilities during the period November 2 through 6, 2009. The results of the audit have not been provided for MDE review, but MDE remains committed to ensuring that data in the ECHO database is an accurate representation of the compliance status of NPDES facilities and that enforcement actions are issued as warranted.

MDE has made comprehensive changes to its overall enforcement approach, including the development of standardized operating procedures for case resolution, including timeframes for referral for legal action and the implementation of standardized approaches to settlements, supplemental environmental projects, and consent orders. Through the emphasis on enforcement procedures, enforcement actions in all programs increased by 54% from FY2007 to FY2010. This information is provided, not to show that there are no remaining resource issues, but to show that the Department has made many improvements.

With respect to the claim that Maryland fails to collect adequate fines and penalties for environmental violations, the Department has developed a strong track record of pursuing appropriate penalties. We disagree with the statement that Maryland's civil environmental penalties have remained unchanged for over twenty years. MDE has also developed specific criteria and procedures for enforcement coordinators to ensure that penalties are assessed in a fair and consistent manner.



Public Participation

The Petition suggests that Maryland's program does not allow for adequate public participation in the permitting and enforcement processes because Maryland law does not expressly allow citizens to fully participate in enforcement actions through either avenue. The petition notes that the Maryland rule governing intervention does not explicitly provide citizens the right to intervene in state enforcement actions, and some trial courts have withheld the right to intervene in such cases. In addition, the petition states that MDE does not publish notice of and provide for a 30-day comment period for proposed settlement agreements and concludes that the state's program does not meet the public participation requirements of the CWA

It is accurate that state law does not require public comment on proposed consent decrees as is required under federal law and the Department does not implement such a process due to the significant resources needed to do so.

Maryland law does provide for intervention pursuant to Maryland Rule 2-214(a), which provides that any person who "claims an interest relating to the property or transaction that is the subject of the action, and the person is so situated that the disposition of the action may as a practical matter impair or impede the ability to protect that interest unless it is adequately represented by existing parties" may intervene in a civil action as of right. This is identical to the Federal Rule governing intervention as of right, see Fed.R.Civ.P. 24(a), and is the kind of authority that has been deemed to be sufficient to satisfy the requirements of 40 C.F.R. § 123.27(d)(1). See *CLEAN v. Premium Standard Farms, Inc* 2000 WL 220464, * 17 (W.D.Mo. 2000) (quoting N.R.D.C., 859 F.2d at 177).

Over the past two years, MDE has actively supported intervention by citizens and citizen groups in MDE's civil enforcement actions. Recent legislative changes expanding standing in Maryland consistent with federal Article III requirements will make it easier for citizen and citizen groups to intervene in MDE enforcement actions.

MDE has enhanced public participation opportunities within its existing permit promulgation process, including new provisions for public access to relevant plans in its General Permit for Stormwater Associated with Construction and our recent Confined Animal Feeding Operation (CAFO) permit.

Access to Public Records and Information

The Petition suggests that the Department's inefficient, manual record keeping processes are an impediment to the public's access to relevant information. They cite several examples where the Department failed to provide requested documents in a timely manner, charges excessive fees for processing public information requests, or failed to provide complete records.

Maryland's Public Information Act provides that agencies must provide the first two hours of response to a PIA without cost; for any effort beyond that, the agency may request a reasonable fee. The specific cases mentioned are addressed below.



Generally, though, the Department agrees. It is the custodian of a vast number of data and files that are routinely requested (over 4000 requests annually) for purposes such as those cited in the Petition, related to real estate transactions, and a host of other reasons. The manual system is no longer adequate. To address this, two projects are underway. The first is the TEMPO project referenced earlier which is consolidating information by facility from over 170 individual databases to a centralized system. The second is an upgrading of the Department's web site so that it can support electronic transactions including providing access to files. For both projects, the costs are significant for the agency and are being implemented in phases. Major phases for these two projects were just completed and funding is currently being pursued for additional phases in FY12.

For instance, during 2009, the Baltimore Harbor Waterkeeper submitted a PIA request asking for all permitting, compliance, and enforcement records for all facilities discharging to the Lower Patapsco River watershed or Back River Watershed. The request did not identify the facilities and there is way to clarify the information request with the outside party. MDE's analysis of the request indicated that it would encompass 1,258 facilities. The Compliance Program prepared an estimate of the number of hours required to respond based on its experience preparing such files for PIA requests and, presumably due to cost, the request was withdrawn.

In another example mentioned, the Sassafras Riverkeeper submitted a PIA request to MDE dated July 10, 2009 seeking Field Inspection Reports and compliance files for the Galena Wastewater Treatment Plant. The petition states that MDE did not respond. While MDE records do not show any requests dated July 2009, MDE did receive a PIA request from the Sassafras Riverkeeper to review the inspection and compliance file dated November 17, 2009 and received November 23, 2009. MDE sent a letter to the Sassafras Riverkeeper on December 16, 2009, indicating that files were available. The requestor reviewed the files on February 2, 2010.

In a third example, nine PIA requests were filed by the Baltimore Harbor Waterkeeper, the West Rhode Riverkeeper, the Anacostia Riverkeeper, the Patuxent Riverkeeper, and South Riverkeeper. These PIA requests sought information related to the MS4 permits for nine different Phase I (medium and large) jurisdictions across the state. According to the petition, one request was received by MDE on July 30, 2009, another on August 18, 2009, and the remaining seven were received on September 10, 2009. The petition concludes by saying that none of the organizations received any documents, despite agreeing to limit the request to only include documents from the previous five years. MDE found that the original requests were for municipal stormwater permit information since the beginning of the State's program in 1990. The requestors chose not to pay the fees associated with document preparation. After the focus of the request was narrowed to the most recent five year period (September 2009), files were prepared and made available in November 2009. Only three of the original nine files have been reviewed to date, with those remaining awaiting the review.

In closing, we have compiled a table of specific responses. The Department again shares the goals of the Petitioner to continually improve regulatory programs and water quality. We also believe that there are areas for improvement such as resources to improve inspection coverage rates and permitting, improving access to information and eliminating the need for routine administrative extensions. MDE will continue to strive to maintain a model regulatory program, and we look forward to working with you and your staff to address the concerns raised in the Waterkeeper's petition.



If you have any further questions or concerns please do not hesitate to contact me at
410-537-3567 or jsakai@mde.state.md.us.

Sincerely,



Jay Sakai
Director

cc: Shari T. Wilson, Secretary
Dr. Robert Summers, Deputy Secretary
Sue Battle-McDonald, Director, BayStat
Heather Barthel, Director, Legislation & Policy

